

REMARKS

Claims 1-4, 6, 8-9, 14-17, 22-23, 25-26, and 40-45 are currently pending in the application. Claims 5, 7, 10-13, 18-21, 24, 27-39 are canceled. Claims 40-45 are new. Claims 1, 6, 8-9, 14, 17, 22 and 25 are amended. The amendments find support in the specification and are discussed below. No new matter is added.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-4, 6, 8-9, 14-17, 22-23 and 25-26 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey that the inventor had possession of the claimed invention for the reasons of record set forth in the Office Action mailed August 2, 2002 [sic, May 7, 2002]. The Office Action states that "Applicant's arguments filed 25 February 2002 have been fully considered but they are not persuasive."

Specifically, the Office Action states that "[t]he claimed biologically active mutants, fragments, derivatives or fusion proteins of restin have not been adequately described in the specification such that one of skill in the art would reasonably conclude that Applicant was in possession of such a broad genus of compounds at the time the invention was made."

Without acquiescing to this rejection, to expedite prosecution and allowance of this case, the Applicant has amended the claims to delete reference to mutants, fragments and fusion proteins of restin. Applicant believes this amendment obviates the outstanding rejection, and respectfully requests reconsideration and allowance of claims 1-4, 6, 8-9, 14-17, 22-23, and 25-26.

The Office Action notes that Applicant has disclosed the restin protein, which is 181 amino acids long, and also apomigren, which comprises about the last 85 amino acids of the

fragments comprising the 85 amino acids of apomigren. . . . New claims 40-45 are directed to a method of producing a biologically active anti-angiogenic apomigren polypeptide, which, as

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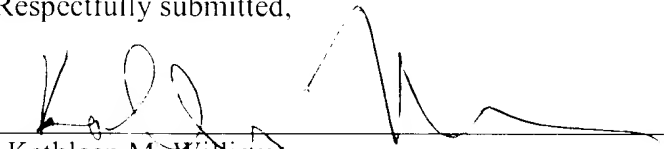
the Examiner has acknowledged, is fully supported by the specification. Thus, the Applicant believes that new claims 40-45 are similarly allowable, and respectfully requests passage to issuance.

For the above reasons, Applicant respectfully submits that the specification and claims as presently amended comply with the written description requirement of 35 U.S.C. § 112, first paragraph, and respectfully request that the rejection on this ground be reconsidered and withdrawn.

Applicant submits that in view of the foregoing remarks, all issues relevant to patentability raised in the Office Action have been addressed. Applicant respectfully requests the withdrawal of rejections over the claims of the present invention.

Respectfully submitted,

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